### **Historic, Archive Document**

Do not assume content reflects current scientific knowledge, policies, or practices.



1 P432G

# UNITED STATES DEPARTMENT OF AGRICULTURE LIBRARY



BOOK NUMBER

1 P432G

623805

# Guide for Use in Handling DISCIPLINARY CASES

Issued by
OFFICE OF PERSONNEL
UNITED STATES DEPARTMENT OF AGRICULTURE
1947

### INTRODUCTION

This pamphlet has been prepared by the Office of Personnel as a guide for officials of the Department of Agriculture who share in the responsi-

bility for handling disciplinary cases.

The Department has employees in most counties of the continental United States, as well as in its territories and possessions, and in many foreign countries. Their duties require them to enforce laws and regulations, to be responsible for the safeguarding and proper expenditure of public funds, to safeguard Government property, to cooperate with and assist producers and others, and to deal with the public generally. The great majority of employees in the Government service are honest, well-behaved, hard-working, conscientious individuals who are deserving of thoughtful and sympathetic consideration, and it is important that all employees command the confidence and respect of the public.

The least agreeable task of any official is to discipline subordinate employees. Nevertheless, prompt and effective disciplinary action in the cases of employees who willfully violate laws, regulations, or instructions, or who otherwise become involved in delinquency or misconduct, is not only necessary but an important phase of sound personnel management.

There will always be a small minority of employees who will, for one reason or another, fail to conduct themselves properly or to abide by established policies or procedures. In this category will be those who frequently report late for work or absent themselves from duty without the formality of arranging for their absence, which may disrupt the work of the office. There will also be the occasional employee who falsifies his application for employment or other official record, who violates safety regulations, or who refuses to recognize the authority of his official superior and may refuse to carry out instructions. Occasionally there will be the employee who absents himself from duty because of excessive use of intoxicants or who reports for duty under the influence of intoxicating liquor or imbibes on the job.

On rare occasions there will be the employee who commits some dishonest act such as the falsification of reimbursement, pay-roll, or purchase vouchers. In such cases intent to defraud cannot be the sole factor for consideration—intent to deceive is equally important. In some cases there may be no intent to defraud in the sense of causing the Government monetary loss, but the Government may have been defrauded in a broader sense because of the lost opportunity to audit properly the documents

which have been falsified.

### REASONS FOR DISCIPLINARY ACTIONS

It is important that an employee who becomes involved in delinquency or misconduct be dealt with promptly and adequately, not solely for the purpose of penalizing him, but also for the salutary effect the example may have on other employees who might otherwise commit similar offenses in the belief that they could do so with impunity. The sooner such an employee mends his ways or is eliminated from the service, the sooner the best interests of the Department will be served. Ridding the Department of dishonest employees also renders a service to honest employees by removing suspicion from them.

As a deterrent to other employees, agencies might well give wide publicity to penalties imposed upon their employees for various types of offenses, without, of course, revealing the identity of the individuals involved. It would be helpful also to remind employees that delinquency, immoral conduct, or a dishonest act on the part of one employee reflects adversely, directly or indirectly, upon his fellow employees and upon the

public service.

### RESPONSIBILITY OF SUPERVISORY OFFICIALS

The regulations of the Department require that cases of delinquency or misconduct be reported to the Director of Personnel for action, or that appropriate disciplinary action be taken under delegated authority and reported to him. Supervisors have the responsibility of reporting such cases to the proper official. Appropriate disciplinary action cannot be

taken if they evade this responsibility.

The supervisory official who fails to report delinquency or misconduct, or who fails to take action under delegated authority, because of friendship or other personal reasons or because he does not agree with the dispositions made of certain types of cases, is not only evading his responsibility but acting contrary to the regulations and against the best interests of the service. Furthermore, he is doing the Department's employees and himself an injustice. Such officials will themselves be subject to disciplinary action.

Employees respect firmness but they expect and are entitled to fairness. Therefore, it is necessary that officials who administer discipline be firm,

fair, impersonal, and free from prejudice.

Discipline so administered will strengthen the employees' morale and their respect for the administering official. On the other hand, the official who imposes or recommends an unwarranted penalty because of prejudice or anger, or for other personal reason, loses the respect and confidence of his fellow employees and official superiors, does the employee an injustice, and performs a disservice to the Department.

### GENERAL INFORMATION

The Manual of Investigative Procedures, issued by the Office of Personnel, will be helpful to those who have investigative and report-writing duties to perform. It is important that officials who have the responsibility of processing disciplinary cases, either under delegated authority or for submission to the Director of Personnel, be familiar with the provisions of Personnel Circular No. 113 relative to disciplinary actions, and with the provisions of Section 14 of the Veterans' Preference Act of 1944 which are set forth in that Circular. Familiarity with all regulations of the Department concerning the conduct of employees will also be helpful. While it is not the policy of the Department to restrict or interfere with the private lives of employees, they are expected to conduct themselves at all times so that they will not cause embarrassment to or criticism of the Department.

Employees involved in trivial infractions may be reprimanded orally by their immediate official superior at the time the infraction occurs. It is important that these reprimands be given in private. If it is believed that the trivial infractions may be continued to the point where additional reprimands or a more severe penalty will be necessary, it is advisable to confirm the oral reprimand by addressing a memorandum to the offending employee, setting forth the reasons for the reprimand and cautioning him regarding his future conduct. The letter of confirmation is not to be construed as an official agency letter of reprimand. Copies of such confirmations need not be submitted to the Office of Personnel. If a written confirmation is not made, a memorandum for the files, setting forth the specific act which resulted in the reprimand and the date upon which it occurred, will be found of value in the event more severe disciplinary

action becomes necessary at some future time.

The suggestions set forth in the preceding paragraph might well be applied, for example, in cases involving tardiness where the employee has no satisfactory explanation. An oral reprimand should be ample penalty for the first offense and no written confirmation would be necessary. However, a memorandum for the files, setting forth the date and the circumstances, might prove valuable in the future. An oral reprimand might also be sufficient if the employee is tardy on a limited number of additional occasions, but in this event it would be well to confirm the oral reprimand in a memorandum to the employee, and to place a copy thereof in the files. If the offenses continue, a formal agency letter of reprimand to the employee, setting forth the number of occasions on which he has been tardy and the amount of his tardiness, would be in order. The employee may also be given a disciplinary suspension if the facts warrant such action. If this action is decided upon, the employee should, of course, be advised accordingly in the letter of reprimand.

Disciplinary action permitted under delegated authority is restricted (except as to temporary employees and those who have not completed their probationary periods) to reprimands and suspensions from duty for limited periods. Agency letters of reprimand should always be issued in connection with disciplinary suspensions imposed under delegated authority. It is important that all letters of reprimand describe clearly the improper action for which the employee is being disciplined; state when the incident occurred; tell the employee that he will be expected to correct the faults complained of; and inform him of the action that will be necessary if he repeats the offense or if he becomes involved in other types of delinquency or misconduct.

The action to be taken or recommended in cases involving falsification of applications for employment should, of course, be governed by the gravity of the falsification. A falsification with respect to a minor point which would have had no adverse bearing on the employee's selection is not considered so serious as a falsification with respect to an important

point which would have had an adverse effect on his selection.

For example, if an applicant falsely claims graduation from college and is appointed to a position in which a college education is not the primary or controlling factor, disciplinary action could properly be limited to that which may be taken under delegated authority. On the other hand, if the position is one to which the applicant would not have been appointed had the question been answered truthfully, the offense is more serious and a

more drastic penalty would be necessary.

Another example would be the case of an employee who falsified his application for employment with respect to his arrest record. If the arrest was for a minor offense, such as a traffic violation, and the facts were known at the time of his employment or conversion from a temporary to a permanent or indefinite status, prior approval of the Director of Personnel would not be necessary for his employment or conversion; and if the facts were discovered thereafter, disciplinary action could properly be limited to that which may be taken under delegated authority. If, however, the employee had been arrested and indicted on a criminal charge and the facts were known, prior approval of the Director of Personnel for his employment or conversion would be necessary, regardless of whether or not the arrest resulted in a conviction; and if the facts were discovered thereafter, disciplinary action could not be imposed without prior approval of the Director of Personnel.

If disciplinary action taken under delegated authority is found upon post-audit to be clearly improper, it may be reversed, with resultant embarrassment to the employment officer and to the employee. Therefore, if an official is in doubt as to whether a case may be disposed of by the imposition of a penalty permitted under delegated authority, the proper

action would be to submit the facts, through appropriate agency channels, to the Director of Personnel for advice.

When charges have been preferred against an employee and his answer has been received (or if he fails to answer within the stipulated time), the correct procedure is to transmit the complete file in the case, with a review memorandum, to the Director of Personnel. It is important to include in the memorandum a complete analysis of each allegation of the charges, of the employee's answer thereto, and of the evidence in support of each, as well as a recommendation as to whether each allegation should be held to be sustained or not sustained and as to whether the employee should be removed from his position or otherwise disciplined.

# PROCEDURE FOR HANDLING A DISCIPLINARY CASE

### Step 1—Get all the facts

- a. Obtain detailed and complete statements of the incident, preferably in writing, by interviewing privately and separately each person who saw or heard what occurred and who therefore has first-hand information.
- b. If written statements are not secured, record the information obtained, during or immediately after each interview.
- c. Interview the accused employee and obtain from him a written statement in which he admits, denies, or explains the alleged improper actions.
  - d. Make every effort to reconcile conflicting statements.
- e. Where necessary, examine pertinent records and make written notation of such information therefrom as may have a bearing on the case.

### Step 2—Prepare a report

Prepare a complete, accurate, and unbiased report, setting forth the information obtained. The report should be arranged in logical sequence and should relate in narrative form the information obtained regarding each alleged improper action. All persons, places, dates, records, etc., mentioned in the report should be completely identified.

### Step 3 - Weigh the evidence

Review the report and weigh the evidence to determine whether the allegation is or is not sustained, and, if it is sustained, whether the offense is one that warrants formal disciplinary action. Doubtful points should be resolved in favor of the employee.

### Step 4—Decide on course of action

If it is decided that disciplinary action is required, determine whether the action can be taken under delegated authority or whether the case warrants a more severe penalty.

### Step 5 - Take or initiate action

a. If the disciplinary action is to be limited to a penalty that can be imposed under delegated authority, process the action promptly, and submit the documents in connection with the case to the Office of Personnel

for use in post-auditing.

b. If it is determined that the case warrants a penalty beyond that which can be imposed under delegated authority, submit the file through appropriate agency channels to the Director of Personnel, with a review memorandum containing a concise summary of the essential facts in the case and a recommendation for the action believed to be warranted. In all such cases, the file should contain information as to whether the employee is entitled to veteran preference.

### SAMPLE LIST OF OFFENSES

The offenses listed below represent some of the types of delinquency or misconduct which subject an employee to disciplinary action.

### 1. Fiscal irregularities

a. Misappropriation of Government funds or of other funds which come into an employee's possession by reason of his official position.

b. Submission of falsely stated travel, pay-roll, or purchase vouchers, or

their supporting documents.

c. Delayed transmittal of Government funds.

d. Failure to account properly for Government funds.

### 2. Falsification of records (other than vouchers)

a. Falsification of application for employment or other Government record with respect to personal history.

b. Falsification of other official documents.

c. Concealment of material facts by omission from official documents.

### 3. Improper or excessive use of intoxicants

a. Excessive use of intoxicants resulting in embarrassment to the Department or interference with the employee's work. This is intended to

include intoxication on duty, reporting for duty while intoxicated, or consuming intoxicating liquor while on duty.

b. Driving Government-owned or Government-leased automobile (or

privately owned car on official business) while intoxicated.

c. Absence from duty without permission because of intoxication.

### 4. Immoral or notoriously disgraceful conduct

### 5. Misuse of Government-owned or Government-leased property

a. Use or authorizing use of Government-owned or Government-leased passenger-carrying automobile for other than official business.

b. Use or authorizing use of other Government-owned or Government-

leased automotive equipment for unofficial purposes.

c. Personal use of other Government property.

### 6. Theft

a. Theft from an establishment to which an employee is assigned to duty.

b. Theft of Government property.

### 7. Insubordination

a. Refusal to comply with instructions.

b. Use of insulting or abusive language to official superior.

### 8. Political activity

Engaging in types of political activity prohibited by the Hatch Act.

### 9. Gifts or favors to official superiors

a. Soliciting or making contributions for a gift to an official superior.

b. Acceptance of such a gift by an official superior.

c. Borrowing money from subordinate employee or securing his endorsement on a loan.

# 10. Violation of Department regulation prohibiting acceptance of loans, gratuities, favors, etc., from persons, firms, or corporations with whom employees have official relations

### 11. Neglect of duty

Willful neglect in performing official duties, including failure to follow instructions.

### 12. Unsatisfactory attendance

a. Absence from duty without permission and without adequate justification.

b. Tardiness without adequate justification.

### 13. Violation of safety regulations

14. Failure of supervisory officials to report cases of delinquency or misconduct, as required by Department regulations

## CONFIRMATION OF VERBAL REPRIMAND (Tardiness)

To: Jane Doe	
From: — —	(Supervisor
Subject: Tardiness	` 1

This memorandum will confirm our conversation of yesterday, during which you were reprimanded for having been tardy on the following occasions without satisfactory explanation:

Date	Amount of Tardiness
April 22	20 minutes
April 28	
May 5	
May 15	

As you were informed during our conversation, it will be necessary to recommend more severe disciplinary action against you unless your practice of reporting late for work is corrected. I hope that such action will not be necessary and that we will have no further cause for complaint regarding your attendance record.

## AGENCY LETTER OF REPRIMAND (Tardiness)

Miss Jane Doe, Clerk-Typist, Baltimore, Md.

MADAM: There is before me for consideration a report from your official superior which reveals that you have on numerous occasions been tardy in reporting for duty without satisfactory explanation.

The report discloses that on May 16, 1946, you were orally reprimanded

by your official superior for tardiness on the following occasions:

Date	Amount of Tardiness
April 22	20 minutes
April 28	15 minutes
May 5	1'0 minutes
May 15	

The report discloses further that this oral reprimand was confirmed in a memorandum addressed to you on May 17, 1946, in which you were warned that unless you corrected your practice of reporting late for work it would be necessary to recommend more severe disciplinary action against you.

That the oral reprimand and warning did not produce the desired results is evident from the following record of subsequent tardiness on your part:

Date		Amount of Tardiness
May 28.		10 minutes
May 31.	· · · · · · · · · · · · · · · · · · ·	

In view of the foregoing, your suspension from duty without pay as a disciplinary measure would be warranted, but it has been decided to limit disciplinary action in your case at this time to this letter of reprimand. You are warned, however, that continued tardiness on your part, without adequate reason, will be considered grounds for the imposition of a more severe penalty.

Very truly yours,

(Working Title of Employment Officer)

# AGENCY LETTER OF REPRIMAND AND SUSPENSION (Absence from Duty Without Permission)

Mr. JOHN DOE, Clerk, Toledo, Ohio.

SIR: There is before me for consideration a report from your official superior which reveals that you were absent from duty without permission from October 13 to October 15, 1946, both dates inclusive, and that your explanation for this unauthorized absence is not considered satisfactory.

In view of the foregoing, we would be justified in recommending the imposition of a severe penalty. It has been decided, however, to limit disciplinary action in your case at this time to this letter of reprimand, a suspension from duty without pay for the period of your unauthorized absence, and an additional suspension from duty without pay from October 20 to October 21, 1946, both dates inclusive. You will be restored to duty with pay effective October 22, 1946, but you are warned that a repetition of your offense, or other improper conduct on your part, will lead to a recommendation for the imposition of a more drastic penalty.

Very truly yours,

(Working Title of Employment Officer)

# AGENCY LETTER OF REPRIMAND AND SUSPENSION (Falsification of Application for Employment with Respect to Minor Point)

Mr. RICHARD ROE, Accountant, Philadelphia, Pa.

SIR: There is before me for consideration a report which reveals that in a Form 57, Application for Federal Employment, which you executed on June 17, 1946, in connection with your present employment, you stated in answer to Question 28 that you had never been convicted, fined, imprisoned, placed on probation, or ordered to deposit bail, for the violation of any law, police regulation, or ordinance (excluding minor traffic violations for which a fine of \$25 or less was imposed).

The file reveals further that in October 1931 you were arrested at Atlanta, Georgia, on a charge of disturbing the peace, and were fined \$5

and costs.

The falsification of Government records is a serious matter which undoubtedly warrants rather severe disciplinary action. It has been decided, however, to limit disciplinary action in your case at this time to this letter of reprimand and a suspension from duty without pay from November 4 to November 6, 1946, both dates inclusive. You will be restored to duty with pay effective November 7, 1946, but you are warned that in the future you will be expected to give complete and accurate information on all Government forms. Failure on your part to do so will result in a recommendation for the imposition of a more drastic penalty.

It should be understood that this disciplinary action is based solely on your action in falsifying your application for employment, and not on the

offense which led to your arrest.

Very truly yours,

(Working Title of Employment Officer)

### AGENCY LETTER OF REPRIMAND TO SUPERVISORY OFFICIAL

Mr. RICHARD ROE, Administrative Officer, San Francisco, Calif.

SIR: There is before me for consideration a file which reveals that on three occasions during the past six months Mr. John Doe, who is under your immediate supervision, has been under the influence of intoxicating liquor during official working hours, but that you failed to take any action with respect to this improper conduct other than to send the employee home and warn him as to his future conduct.

As a supervisory official you should be familiar with the Department regulations relating to the conduct of employees, and should be well aware of the fact that the regulations require that cases such as this be reported to the agency in order that appropriate disciplinary action may be taken. In neglecting to report this case, you not only failed to comply with the regulations but evaded your responsibility and acted contrary to the best interests of the service.

We cannot overlook this failure on your part to discharge properly the responsibilities of your position, but in view of your otherwise satisfactory record, it has been decided to limit disciplinary action in your case at this time to this letter of reprimand. You are advised, however, that in the future you will be expected to comply fully with the regulations of the Department, and that if you fail to do so, consideration will be given to the imposition of a more severe penalty.

Very truly yours,

Chief of Bureau.

### TABLE OF PENALTIES

The following table lists the minimum and maximum penalties which should normally be imposed for first, second, and third offenses involving the types of delinquency or misconduct listed. Deviations from these penalties should be restricted to cases where there are unusual circumstances. When an employee is involved in more than one of these types of offenses, his penalty should be at least the minimum penalty listed for the most serious offense he has committed. The minimum penalties should ordinarily be imposed, but the maximum penalties would be justified if the employee's actions had been unusually serious, disgraceful, or embarrassing to the Department. In addition to the penalties listed, an offending employee who is not removed may be placed on disciplinary probation for a specified period—this action requires monthly conduct reports from his official superior. Suspensions may be deferred for a stated probationary period when there are unusual circumstances which justify such action. In such cases the suspension will not be imposed if the employee's conduct is satisfactory during the probationary period.

# PENALTY GUIDE

3D OFFENSE	Removal.		0 0	
2n OFFENSE	30 days' suspension to removal.	Removal.	Suspension for period of absence plus additional days to make total of 30, to removal.  Suspension for period of absence plus 30 additional days, to removal.	
1ST OFFENSE	15 days' suspension to removal.	30 days' suspension to removal.	Suspension for period of absence plus additional days to make total of 15, to removal.  Suspension for period of absence plus 15 additional days, to removal.	Removal.
Types of Derivoriency of Misconnica	1. Improper or excessive use of intoxicants:  a. Excessive use of intoxicants resulting in embarrassment to the Department or interference with the employee's work. This is	intended to include intoxication on duty, reporting for duty while intoxicated, or consuming intoxicants while on duty.  b. Driving Government owned or leased automobile (or privately owned car on official business) while intoxicated.  c. Absence from duty without permission because of intoxication:	and explanation to be considered in arriving at penalty.  (2) For more than 15 days. Employee's record and explanation to be considered in arriving at penalty.	2. Fiscal irregularities:  a. Misappropriation of Government funds or of other funds which come into employee's possession by reason of his official position.

# PENALTY GUIDE—Continued

3D OFFENSE	Do.	Do.	Do.		
2D OFFENSE	30 days' suspension to removal.	15 days' suspension to removal.	30 days suspension to removal.		Removal.
1ST OFFENSE	15 days' suspension to removal.	Removal. Agency reprimand to 30 days' suspension.	15 to 30 days' suspension.	Removal.	Agency reprimand to 5 days' suspension.  15 to 30 days' suspension.
TYPES OF DELINQUENCY OR MISCONDUCT	b. Submission of falsely stated travel, payroll, or purchase vouchers, or their supporting documents:  (1) If not to conceal personal gain.	(2) If to conceal personal gain. c. Delayed transmittal of Government funds. Employee's record and explanation to	d. Failure, through negligence, to account properly for Government funds. Employee's record and explanation to be considered in arriving at penalty.	3. Falsification of records (other than vouchers):  a. Falsification of application for employment or other personal history record:  (1) With respect to a material point which would have adversely affected selection for appointment.	(2) With respect to a less important point which would not have adversely affected selection for appointment.  b. Falsification of other official records.  Employee's record and explanation to be considered in arriving at penalty.

c. Concealment of material facts by omissions from official records. Employee's record and explanation to be considered in arriving at penalty.	Do	ро.	
4. Immoral or notoriously disgraceful conduct:	Removal.		
5. Misuse of Government owned or leased property:			
a. Use or authorizing use of Government owned or leased passenger-carrying automobils for the passenger of t	1 month's suspension to removal.	Оо.	
but for other than ourdan business.  b. Use or authorizing use of other Government owned or leased automotive equipment for unofficial numbers.	Do.	Do.	
c. Personal use of other Government property. Employee's record and explanation to be considered in arriving at penalty.	Agency reprimand to 5 days' suspension.	5 to 15 days' suspension.	30 days' suspension to removal.
6. Theft:			
should be given to value of property stolen, whether property was recovered, and employ-			
a. Theft from an establishment to which employee is assigned to dury.	30 days' suspension to	Removal.	
b. Theft of Government owned or leased property.	Do.	Do.	

# PENALTY GUIDE-Continued

TYPES OF DELINQUENCY OR MISCONDUCT	1ST OFFENSE	2D OFFENSE	3D OFFENSE
7. Insubordination:  a. Refusal to comply with instructions or use of abusive or insulting language to official superior.	5 to 30 days' suspension.	30 days' suspension to removal.	Removal.
8. Prohibited political activity:			
a. Engaging in types of political activity prohibited by law.	Removal.		
9. Gifts or favors to official superiors:			
a. Soliciting or making contribution for a gift to an official superior, or acceptance of such a gift by an official superior.  b. Borrowing money from a subordinate employee or securing his endorsement on a loan	Do. 5 to 30 days' suspension.	Removal.	
10. Violation of Department regulation probibiting the acceptance of loans, gratuities, favors, etc., from persons, firms, or corporations with whom employees have official relations. (Penalty should be governed by circumstances and employee's explanation.)	Secretarial reprimand to removal.	Removal.	

30 days' suspension to removal.	Suspension for period of absence plus 30 additional days, to removal.	30 days' suspension to removal.	
15 to 30 days suspension.	Suspension for period of absence plus 5 additional days, to suspension for period of absence plus 15 additional days.	5 to 15 days' suspension.	
Agency reprimand to 15 days' suspension.	Suspension for period of absence to such suspension plus 5 days' additional suspension.	Agency reprimand to 5 days' suspension.	
11. Neglect of duty:  a. Willful negligence in performing official duties, including failure to follow instructions.	12. Unsatisfactory attendance:  a. Absence from duty without permission and without adequate justification.	b. Excessive tardiness without adequate justification. Employee's record and explanation to be considered in arriving at penalty.	









